

VZCZCXRO3426
RR RUEHBC RUEHDE RUEHDH RUEHKUK RUEHROV
DE RUEHAM #1746/01 2151427
ZNR UUUUU ZZH
R 031427Z AUG 09
FM AMEMBASSY AMMAN
TO RUEHC/SECSTATE WASHDC 5654
INFO RUEHEE/ARAB LEAGUE COLLECTIVE

UNCLAS SECTION 01 OF 05 AMMAN 001746

SIPDIS
SENSITIVE

E.O. 12958: N/A
TAGS: [PGOV](#) [PHUM](#) [CACS](#) [KJUS](#) [SOCI](#) [JO](#)
SUBJECT: JORDAN: GOVERNMENT TAKING ACTION TO COMBAT TORTURE
BUT LONG PATH AHEAD

REF: A. STATE 070129
[1](#)B. AMMAN 580
[1](#)C. 07 AMMAN 3598
[1](#)D. 07 AMMAN 3351
[1](#)E. 07 AMMAN 720
[1](#)F. 07 AMMAN 448
[1](#)G. 06 AMMAN 7325

[1](#)1. (SBU) Summary: The Jordanian government, with assistance from several European donors, has embarked on an extensive reform program designed to root out torture in the prison system. The reform plans are impressive and include a wide range of initiatives including placement of the prison system under the Ministry of Justice, recruitment and training of qualified personnel, creation of a national monitoring team with non-governmental organizations, review of related legislation, and building of new prisons. The question being asked, however, is whether the reforms will sufficiently address a "culture of torture" still observed in some quarters of the police and relative impunity that has been enjoyed by those that torture and mistreat inmates. Nonetheless, local human rights organizations have already reported improvements in prison conditions and reduced claims of torture and abuse. Post will push for further reform, including transferring jurisdiction of torture cases from police to civilian courts, and will look for avenues to support on-going efforts. End Summary

A Culture of Torture and Impunity

[1](#)2. (SBU) The extent to which torture and mistreatment exists in Jordan's prisons is currently under debate. International and local human rights groups largely agree that torture is not official government policy nor is it a systemic problem throughout the entire prison system. The real question is the pervasiveness of a "culture of torture" and the extent of impunity for prison officials who abuse prisoners. On one hand, international groups like Human Rights Watch (HRW) and Amnesty International claim torture continues to be "widespread." In an October 2008 report, HRW documents severe cases of torture based on prisoner interviews as well as an acute failure to investigate and punish abusive guards. Over fifty percent of those interviewed by HRW claimed they were abused in some form. On the other hand, local organizations like the National Center for Human Rights (NCHR) and the Adaleh Center for Human Rights claim torture comes at the hand of individual prison wardens and guards, who have enjoyed relative impunity. They state, however, that recent reform efforts have diminished cases of torture and a culture in which prison guards and wardens believe they have the authority to take any actions, even abusive ones, they deem necessary.

[1](#)3. (SBU) Despite disagreement on the extent of maltreatment and torture, nearly all point to impunity as a continued hindrance in the prevention of future cases of torture. In 2007, Jordan amended the penal code (Article 208) to criminalize torture. Observers, however, state that the

definition of torture is not clearly defined nor are the sentencing guidelines. Article 208 provides penalties of up to three years' imprisonment for the use of torture and states that hard labor be given to the official when the torture inflicts "sickness or bodily harm." The Public Security Department (PSD), or national police, interprets hard labor to mean a 3 to 15 year sentence but human rights lawyers state this is ambiguous wording at best. To date, Article 208 has not been used in any cases. Participants at an Embassy-hosted lunch on July 16 to discuss prison conditions and torture all agreed that legislation, though improved, does not yet conform to United Nations Convention Against Torture(UNCAT) and is not stringent enough to deter a culture of abusive behavior. NCHR is currently reviewing all legislation related to law enforcement and correctional facilities, including Article 208, and will recommend a legislative reform package to the government.

14. (SBU) Human rights organizations also continue to criticize the use of police prosecutors and courts to prosecute and convict PSD personnel, especially when allegations of torture are involved. Numerous PSD officials have told Poloffs that there is no plan to eliminate police courts because they insist their courts hand down stiffer punishments than civilian courts as they are "held to a higher standard." PSD officials also point out that either the defendant or the victim can appeal to a civilian appeals court. Critics counter PSD claims of "being held to a higher standard" by pointing to examples of continued leniency. In one 2007 case, for instance, a prison warden was sentenced to only two-months imprisonment after he ordered the beatings of several hundred inmates. Despite numerous protests from

AMMAN 00001746 002 OF 005

activists and the reforms outlined in this cable, the police court's jurisdiction is not under discussion.

Large-Scale Prison Reform Planned, MOJ To Take Control

15. (SBU) The Jordanian government, with international donor support, has initiated a process of wide-scale prison reform. At the center of the planned reforms is the transfer of the Rehabilitation and Correctional Department from the PSD to the MOJ. This restructuring is expected to facilitate a greater role for ministry officials and other civilian authorities in the prevention of abuse and proper handling of torture allegations. The PSD, MOJ, and NCHR have told Poloffs that this transfer will come slowly over the next couple years and in stages. The plan is to first transfer the department out of PSD and make it a separate department in the Ministry of Interior (MOI) alongside the PSD. In the meantime, the MOJ will build its capacity to handle its new authorities and create a unit to receive and lead the correctional department. The transfer from the MOI to the MOJ could take a couple years according to contacts.

16. (SBU) A series of other institutional reforms have either been completed or are being planned. To create an active prevention system and institutionalize inspections, a national monitoring team with MOJ, PSD, NCHR, and NGO representatives is being formed. In this regard, the government also prepared an amendment to the Rehabilitation and Correctional Center Law giving MOJ staff the authority to conduct on-the-spot and planned inspections of prisons (currently only the Minister himself has this authority). The amendment is currently with parliament for consideration in the summer extraordinary session. (Note: There is speculation this amendment will not be considered in the extraordinary session due to parliament's full agenda. The regular session of parliament will start in the fall. End Note) The PSD and MOJ have also agreed that a civilian prosecutor will work alongside police prosecutors when investigating allegations of torture. Police courts will still have jurisdiction over torture cases involving police officers but PSD officials tell Poloffs they are trying to be

more transparent in their investigations and prosecutions.

New Hiring and Training Programs At Forefront of Efforts

¶7. (SBU) The dearth of qualified and fully trained personnel in Correctional and Rehabilitation Centers (CRC) is often stated as a root cause of torture in Jordan. Relatively difficult working conditions for both PSD and medical personnel combined with poor compensation meant that recruitment was difficult, resulting in under-staffing, unqualified personnel and job dissatisfaction for those assigned to prisons. Simultaneously, the inability of the Ministry of Health to adequately assign and retain personnel to work in correctional facilities also led to poor medical care.

¶8. (SBU) To address the above problems directly, the PSD has instituted an incentive program to attract the best potential candidates and is bolstering the training regimen for all staff. The incentive package includes additional leave, assignments near their hometown, and financial incentives and allowances. The PSD states, and local NGOs agree, that these incentives have already resulted in a more skilled and content workforce in prisons. The PSD is also directly hiring 90 to 100 social and medical specialists instead of relying on relevant ministries to provide the staff. Similar incentives are also being offered to these personnel and, according to the PSD, over 500 people have already applied for the 90 to 100 slots.

¶9. (SBU) The PSD also designed a new "development program" for all CRC personnel that includes several new training courses. NCHR and the International Committee of the Red Cross (ICRC) helped develop the courses and are providing some of the training. To date, 850 of the approximately 3,000 commissioned and non-commissioned officers in CRCs have undergone the training. Remaining personnel are scheduled to complete the training in 2009 or 2010. Separately, the Adaleh Center, which assembled and leads a national team torture prevention team, continue to train officers, judges, and prosecutors in the military, general intelligence (GID), and PSD on human rights law and international conventions and standards related to torture. The British Embassy provides the funding for this training.

PSD Generally Trying to Improve Prison Conditions

AMMAN 00001746 003 OF 005

¶10. (SBU) The PSD, with government and NGO partners, is also implementing a long list of activities designed to generally improve the treatment and care of inmates. (Note: In some cases, the program is first being piloted in one or two prisons before full implementation. End Note.) Just a few of the measures being undertaken include:

- Education and vocational training opportunities increased, including a school for inmates to receive a high school degree.
- Libraries enhanced with 35,000 new books.
- Family visits increased to three times a week plus holidays.
- Cultural activities and awareness campaigns on social and health issues increased.
- Minimum wage (\$210/month) and social security benefits for inmates working in prison.
- Free medical days with a range of specialties visiting the prison (in addition to normal health care).
- Liaison officers from relevant ministries placed in prisons to streamline services.
- Pre-release program to provide counseling and assist with post-release employment (project financing is also available).
- Two month therapy and rehabilitation program for newly incarcerated high-risk prisoners at the super-maximum

security prison.

-- Program with religious scholars and leaders to combat extremism for identified inmates. (Thirty-six inmates have reportedly been reintegrated into the general prison population after the program.)

¶11. (SBU) New regulations to introduce a reward system of good behavior have also been developed. Currently an inmate serves only nine months for every year of his/her sentence. Under the new system, the inmate would serve the full year but could either receive reduced time for good behavior or increased time for infractions. Panels comprised of social workers, psychiatrists, and prison officials will annually review the file of each inmate and recalculate the time remaining on the sentence. The regulations are currently working their way through the MOI bureaucratic approval process before eventually moving to Cabinet for final approval. The PSD is also developing a manual to inform officials about revised calculations for sentences.

¶12. (SBU) Overcrowded prisons are being addressed through the construction of five new CRCs. There are currently 13 CRCs throughout Jordan, in which fifty to sixty inmates are often crowded in one large cell. The five new CRCs, all scheduled to open by the end of 2010, are designed with smaller occupancy cells to both improve living conditions and for better control and oversight. A newly built super-maximum prison is already functional. There is also one facility designated for women. The PSD hopes that the new facilities will significantly improve conditions and point to significant and unexpected growth of the prison population from approximately 6,000 in 2007 to 8,500 in 2009 as a reason for overcrowding.

¶13. (SBU) New inmate classification regulations have also been completed with the revised procedures already implemented in two prisons. The new procedures classify and separate prisoners based on the type of crime, whether or not it is a repeat offense, and other factors.

Current Assistance Programs To Combat Torture

¶14. (U) The government has not undertaken the aforementioned reform efforts alone but has relied on financial and technical support from several European donors. At the forefront of these efforts is a new two-year program with Danish funding - Karama. Karama was launched in May and is designed to prevent torture by ensuring that such acts are criminalized, investigated, prosecuted, and punished. The program is being implemented by a Danish NGO, the Rehabilitation and Research Center for Torture Victims, in partnership with the MOJ, PSD, NCHR, and Mizan Law Group for Human Rights. The following activities will be conducted as part of the program:

--Public prosecutors will receive advanced training in the handling and investigation of torture cases. Additionally, the MOJ will prepare a manual for judicial officials to use in torture cases.

--The PSD will further incorporate torture prevention and human rights standards in its training curriculum and programs. A manual and instructions on the investigation of torture cases will also be developed.

AMMAN 00001746 004 OF 005

--NCHR will establish a national coalition for the prevention of torture comprised of both governmental and non-governmental organizations. The Center will also form a national monitoring team that will conduct on-the-spot and planned prison inspections.

--NCHR will also develop legislative reform recommendations for the Cabiner needed to bring national laws into accordance

with international obligations.

--Mizan will provide legal counseling and assistance to torture victims and represent torture victims before the court. Mizan will also prepare a manual and train lawyers to provide these services.

¶15. (SBU) Two other donor-funded programs are also part of the reform process. As previously mentioned, the Adaleh Center, with British funding, has assembled a national torture prevention team with the forensics institute, medical professionals, human rights professors and activists, and other personnel. The team has conducted numerous workshops and trainings for GID, PSD, and military personnel on the prevention and investigation of torture. Adaleh Center is also the approved monitoring body for any individual extradited to Jordan as part of a memorandum of understanding between the British and Jordanian governments (ref B). The EC has also twinned the Austrian rehabilitation and correctional department with Jordan's CRC department to further provide training and technical guidance.

What Remains?

¶16. (SBU) Most Post contacts are optimistic given the government's recent focus on prison reform and the prevention of torture, but they believe that there is a long road ahead.

Institutional reform, legislative changes, training, and a whole host of interventions must be implemented in order to meet international standards and best practices. Local NGOs are focused on the current efforts outlined in this cable which they believe address the core problem. They do, however, admit that there are other areas that must be further addressed. One area is better training for all police on human rights and torture and not just those working in CRCs. One contact working in this field recently noted to Poloffs that citizens being "knocked around a little" by traffic and other police is not an uncommon practice. There also is not an adequately functioning post-release program, where convicts are assisted in reintegrating into society and monitored. While such a program may not directly address torture, proponents state it will help decrease the number of repeat offenders and is a fundamental part of rehabilitation system. (Note: PSD reportedly may consider taking over this responsibility from the Ministry of Social Development. Post has also received a proposal for MEPI program funds for such a program. The proposal is currently being reviewed by the regional MEPI office. End Note) And, of course, most observers are not pleased that police courts will continue to have jurisdiction over torture cases in prisons.

¶17. (U) One example of the significant task at hand, is the current poor state of health care in prisons. In February, the Institute of Forensic Medicine, a Ministry of Health department, issued a report stating "the conditions of clinics within the jails are unsuitable and deteriorating." The report also criticized the lack of psychiatric treatment and follow-up. The director told Poloffs that the institute, which conducts an autopsy for every prison death, has not come across any recent cases involving torture per se but that most deaths would have been avoided if the inmate was prescribed needed medicine or given appropriate medical care for existing and new conditions. The director welcomes the hiring of new medical staff and additional training but believes it will take some time to "clean up the mess."

Comment

¶18. (SBU) Comment: Some local observers claim that the government was spurred to action only after numerous critical public reports by both international and local organizations and external pressures. Despite the motivation behind the reform efforts, the intensive reform effort to combat torture and improve prison conditions is impressive on the surface. The question asked by many is how quickly and effectively the reforms will be completed and if they are sufficient to

eliminate a "culture of torture" that has persisted. Assistance from several European donors and international and local experts should help keep the government on an appropriate reform path. Nonetheless, Post will monitor the reform efforts, continue to engage on the need to combat

AMMAN 00001746 005 OF 005

torture, and seek avenues to support on-going efforts. Poloffs, for instance, recently discussed with PSD the need for civilian authorities, not police courts, to prosecute cases of torture as well as the need to eliminate the administrative detention authority given to governors. Officers from the political, consular, and regional security offices also toured a prison recently and spoke with prisoners one-on-one. End Comment.

Visit Amman's Classified Website at
<http://www.state.sgov.gov/p/nea/amman>
Mandel